

Docket No. AB-164U

Remarks

Applicants provide herein amendments to the claims for consideration which are being filed along with a Request for Continued Examination (RCE).

By way of the present amendment, Applicants have canceled Claim 13 and 17, amended Claim 16, and added new Claims 23-31. No new matter has been added into the application by way of these amendments.

Ten (10) claims remain pending in the application: 16 and 23-31, of which Claims 16, 24, and 27 are independent. Applicants respectfully request consideration of the Ten (10) pending claims in view of the comments below.

Rejections from the Advisory Action

In the Advisory Action dated 8/4/2005, the Examiner rejected Claims 13, 16, and 17. No further explanation was provided regarding the reasons for rejecting Claims 13, 16, and 17, therefore it is assumed that these claims are being rejected under the same reasons provided in the Office Action dated 6/6/2005, wherein Claims 13, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Real (Pat. No. 5,649,936) and under 35 U.S.C. 103(a) as being unpatentable over Real in view of Sunde (EP 1062973A1). By way of the present amendment, Claims 13 and 17 have been canceled. Claim 16 has been amended to include the subject matter of canceled Claim 17 and to add a new limitation "pulling the second cannula away from the patient's brain, wherein the second cannula is splittable along a perforated interface." Support for this limitation is found in paragraph [0129] of the specification.

In view of the above-described amendment to independent Claim 16, which adds to Claim 16 an element not found in Real, the rejection of independent Claims 16 under 35 U.S.C 102(b) as being anticipated by Real (U.S. Pat. No. 5,649,936) has been overcome.

Also, in view of the above-described amendment to independent Claim 16, which adds to Claim 16 an element not found or suggested in the prior art of record, the subject matter as a whole as now presented in amended Claim 16 would not have been obvious at the time the invention was made to a person having ordinary skill in the art. Thus, the rejection of

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independent Claims 16 under 35 U.S.C. 103(a) as being unpatentable over Real in view of Sunde (EP 1062973A1), has been overcome and Claim 16 should now be in condition for allowance.

Support for New Claims 23-31

New Claim 23 includes a limitation "wherein pulling the second cannula away from the patient's brain further includes removing at least one splittable section at a time." Support for this limitation is found in paragraph [0130] of the specification. Also, this new limitation shows an element not found in the Real '936 patent and includes a limitation which is missing by combining the Real '936 patent and Sunde '973 patent.

New independent Claim 24 includes the subject matter of canceled Claim 13 and a new limitation "wherein the second cannula includes a perforated interface from the proximal end toward the distal end." Support for this limitation is found in paragraph [0129] and [0139] of the specification. Also, this new limitation shows an element not found in the Real '936 patent and includes a limitation which is missing by combining the Real '936 patent and Sunde '973 patent.

New dependent Claim 25 includes a limitation "wherein the second cannula includes at least one handle at the proximal end." Support for this limitation is found in paragraph [0129] of the specification and FIG. 6D, which shows handle 182. Also, this new limitation shows an element not found in the Real '936 patent and includes a limitation which is missing by combining the Real '936 patent and Sunde '973 patent.

New dependent Claim 26 includes a limitation "wherein the at least one handle is pulled up and away from the patient's brain separating the second cannula along the perforated interface." Support for this limitation is found in paragraph [0129] and [0139] of the specification. Also, this new limitation shows an element not found in the Real '936 patent and includes a limitation which is missing by combining the Real '936 patent and Sunde '973 patent.

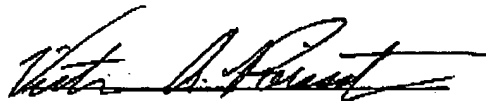
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New independent Claim 27 includes *inter alia* a limitation "wherein the second cannula includes at least two sections with a mating wall configuration" which is not found in the Real '936 patent and is missing by combining the Real '936 patent and Sunde '973 patent. Support for this limitation is found in paragraph [0130] of the specification. Support for the limitations found in new dependent Claims 28-31 is found throughout the specification as specified above.

In view of the above, applicants respectfully request that a timely Notice of Allowance be issued in this case.

The Examiner is invited to telephone the undersigned, Victoria A. Poissant, at his convenience should any issues remain after consideration and entry of this response, in order to permit early resolution of such issues.

Respectfully Submitted,



Victoria A. Poissant
Reg. No. 56,871

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Address all correspondence to:
Bryant R. Gold, Reg. No. 29,715
Advanced Bionics Corporation
25129 Rye Canyon Rd.
Valencia, CA 91355
(661) 362-1771 or (760) 788-8138
Fax: (661) 362-1507 or (760) 788-9629

Address all telephone inquiries to:
Victoria A. Poissant, Reg. No. 56,871
(661) 362-1923

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